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Statements Held Admissible in Spy Case

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WASHINGTON, Jan. 3 — The Federal Bureau of Investigation acted legally in obtaining statements from a retired intelligence analyst on the night of his arrest for espionage, a Federal district judge ruled today.

The judge, Albert V. Bryan Jr., said the statements could be used as evidence in the trial of the former analyst for the Central Intelligence Agency, Larry Wu-Tai Chin. The judge set a trial date of Feb. 4.

Before the ruling, Mr. Chin took the witness stand today for the first time and testified that he made the statements only after he was offered "legal advice" by an F.B.I. agent. Mr. Chin was apparently trying to show that he had made the statements because he had been intentionally misled into believing that he did not need a lawyer's help.

Mr. Chin was taken into custody after he made the statements, which law-enforcement officers have said amount to a confession that he spied for China for more than 30 years.

He Pleads Not Guilty

On Thursday, Mr. Chin was charged in a new indictment with several more counts of espionage and with filing false tax returns. He pleaded not guilty to those charges today, just as he pleaded not guilty to the charges in the original indictment last month.

Speaking in a quiet voice and looking haggard, Mr. Chin testified that he "demanded the assistance of legal counsel" shortly after three F.B.I. agents arrived at his office for the interview Nov. 22.

Mr. Chin said that he decided against calling a lawyer on the advice of one of the F.B.I. agents, who had identified himself as a lawyer. "If he's knowledgeable about my case, his advice should be legal advice," Mr. Chin said. "Because of his advice, I did not call a lawyer." Mr. Chin also testified that he had not been advised of his legal rights.

The two F.B.I. agents who interviewed Mr. Chin testified that they re-

peatedly advised Mr. Chin before his arrest that night that he was free to cut off the interview and call a lawyer.

"I wanted to make perfectly clear to Mr. Chin and emphasize the fact to him that his statements were voluntary," said one of the agents, Mark Johnson.

Judge Rejects Defense Motion

Judge Bryan said he did not believe Mr. Chin had been coerced and rejected a defense motion to suppress the remarks.

Judge Bryan said the statements had been made in a "low-key, noncoercive atmosphere." The statements "followed his being told that he could call his lawyer at any time," the judge said, adding, "He was far from having his will overborne."

In testimony today Mr. Chin said he worked for many years as a Chinese language translator for the Central Intelligence Agency. Court documents have said that Mr. Chin retired from the agency in 1981 after years of access to top-secret C.I.A. documents relating to China and the Far East.

Mr. Chin and the two F.B.I. agents offered different versions of the night the agents went to Mr. Chin's office in

Alexandria and questioned him about the purported espionage operation.

Agent's Action Questioned

According to all accounts, Mr. Chin said at one point in the interview that he was unsure of his legal rights and wanted a lawyer. Mr. Johnson then identified himself as a lawyer, which led to the debate in court today.

Defense lawyers have charged that Mr. Johnson's statement about his legal education confused Mr. Chin, making him believe that the F.B.I. agent was, in effect, offering him sound legal advice. For that reason, the lawyers said, the interview violated Mr. Chin's right to legal counsel.

In his testimony, Mr. Johnson denied any coercion, saying that he identified himself as a lawyer "only because I wanted to emphasize to him that he did not have to talk to us."

Mr. Chin's testimony, which lasted only a few minutes, gave prosecutors their first chance to interrogate him in open court. In answer to questions from Joseph J. Aronica, an assistant United States attorney, Mr. Chin said he owned at least 31 parcels of land, although the location was not disclosed.